

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

DANIEL IVAN PORTER,
Defendant.

No. CR 07 0045 SI

[PROPOSED] STIPULATED ORDER
VACATING MOTIONS BRIEFING
SCHEDULE

Counsel for the government and for the defense have agreed to a revised briefing schedule before this Court on Mr. Porter's motion to suppress evidence arising from the placement of GPS devices and a garbage search. The defense motion is due today, June 8, 2007.

Since setting that briefing schedule, the parties have obtained a proprietary software program that allows one to view the GPS data. However, the parties have since learned that an additional, commercially available program is required to work in tandem with the proprietary software in order to view the data. The government and defense counsel have worked to resolve this issue, and anticipate purchasing the commercially available software in short order. Because the parties do not have this additional software yet, however, counsel for the defense is unable to file a comprehensive brief on the subject today. (The garbage-suppression motion will be a smaller part of the larger GPS suppression motion).

At this time, the parties request that the briefing schedule be vacated. As soon as the parties

1 receive the additional software and can evaluate the information, the parties anticipate filing a
2 stipulated proposal for a briefing schedule on the motion. Accordingly, the parties jointly and
3 respectfully request that the Court vacate the GPS motion briefing schedule at this time based on
4 good cause shown.

5
6 IT IS SO STIPULATED.

7
8 June 8, 2007
DATED

/s

SCOTT SCHOOLS
United States Attorney
Northern District of California
ROBERT REES
Assistant United States Attorney

11
12 June 8, 2007
DATED

/s

BARRY J. PORTMAN
Federal Public Defender
Northern District of California
STEVEN G. KALAR
Assistant Federal Public Defender

15
16 IT IS SO ORDERED.

17
18
19 DATED



HON. SUSAN ILLSTON
United States District Court Judge